



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas M. Lloyd
Serial Number: 10/696,874
Filed: October 30, 2003
For: MODULAR GRILL
Art Unit: 3612
Examiner: Lori L. Coletta
Atty Doc: 168-02

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to a non-final Office Action dated November 23, 2004, to which a response is due by February 23, 2005, kindly amend the above-identified patent application as follows:

In the Drawings:

The examiner has objected to the drawings (Figs. 1 and 2) for the duplicate use of the reference numerals "21" and "23", citing 37 CFR 1.84(p)(4). This objection is respectfully traversed. Section 1.84(p)(4) recites:

"The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts."

The Examiner's possible confusion arises because she may not have realized that in Figs. 1 and 2 the supports 23 and the rail members 21 are indeed the same parts, but mounted rotated 90° between the figures. In Fig. 1, the rails are mounted to extend horizontally, on the supports

which extend vertically. In Fig. 2, the supports are turned to run horizontally so that the rails run vertically.

This was intended to be understood from the specification, page 8, lines 8-9, wherein it is stated:

"In the fencing, Fig. 2, the cross supports 23, run horizontally, and the rail members 21 run vertically."

The difference between horizontally mounted rails (for a grill) and vertically mounted rails (for a fence) is in the shape of the end cap portion of a bracket 25. The end cap may be round or oval for fencing and parabolic for a grill. There is nothing to preclude the fencing shown in Fig. 2 to have horizontally running rails 21. However, that would mean that the presently horizontally running cross supports 23 would have to run vertically. To accomplish this, a further set of supports would need to extend between the fence posts, and the cross supports of the invention would then be mounted to these additional horizontal supports.

However, as the specification recites "upright supports 23" at page 7, lines 21-22, and "cross supports 23" at page 8, lines 8 and 11, the specification will be amended to change the reference numeral to "24" so as to recite "cross supports 24", and Fig. 2 is being amended to reflect this change.

In Fig. 2, change reference numeral "23" to - - 24 - -, both occurrences. Pursuant to 37 CFR 1.121, a replacement drawing sheet 1/6 is attached hereto.

On sheet 2/6, label the figure to the right of Fig. 3 as - - Fig. 5 - -. Add a lead line to "reference numeral 33" in Fig. 5 consistent with the informal drawings on file. Pursuant to 37 CFR 1.121, a replacement drawing sheet 2/6 is attached hereto.

Fig. 7, change the reference numeral for the second incline wall from "69" to - - 67 - - consistent with Fig. 10a and the specification, page 10, line 10. Pursuant to 37 CFR 1.121, a replacement drawing sheet 3/6 is attached hereto.